

19.10.2023.
28.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 4125 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamluk P. S. Case No.976 of 2023 dated 24.08.2021 under Sections 376/384/506 of the Indian Penal Code.

In the matter of : **Arpan Bag.**

.... Petitioner.

Mr. Subimal Ghorai.

...for the Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Ms. Sourav Mondal,
Ms. Labani Sikder.

...for the de-facto complainant.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.

...for the State.

1. Petitioner is in custody for 57 days. He submits there was free mixing between the parties. He has been falsely implicated. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had forcibly raped the victim and blackmailed her.
3. We have considered the materials on record. Victim alleges she had been forcibly raped. But no contemporaneous complaint was lodged. She contends petitioner had blackmailed her stating he would distribute her objectionable pictures taken on his mobile. Though mobile phone has been seized, no electronic evidence in support of the allegation is placed on record.

4. Under such circumstances, we are of the opinion further detention may not be necessary and petitioner may be released on bail.

5. Accordingly, the petitioner viz., **Arpan Bag** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Tamluk Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

